

House Bill 30 (AS PASSED HOUSE AND SENATE)

By: Representative Chambers of the 81st

A BILL TO BE ENTITLED
AN ACT

To amend Part 1 of Article 1 of Chapter 3 of Title 8 of the Official Code of Georgia Annotated, relating to general provisions relative to housing authorities, so as to change certain provisions relating to definitions; to change certain provisions relating to consolidated housing authorities for two or more municipalities; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1 of Article 1 of Chapter 3 of Title 8 of the Official Code of Georgia Annotated, relating to general provisions relative to housing authorities, is amended in Code Section 8-3-3, relating to definitions relative to housing authorities, by revising paragraph (13.1) as follows:

"(13.1) 'Private enterprise agreement' means a contract between a housing authority and a person or entity operating for profit for:

(A) The management of a housing project;

(B) The development of and the provision of credit enhancement with respect to a housing project;

(C) The ownership or operation of a housing project ~~through~~ by the for profit entity in which the housing authority participates, either directly or indirectly through a wholly owned subsidiary, for purposes of facilitating the development, provision of credit enhancement, operation, or management of such housing project in accordance with this article; Such participation may involve ownership by the housing authority of an interest in the housing project through the for profit entity, ownership by the housing authority of the land on which the housing project is developed, or provision by the housing authority of a combination of funds to the for profit entity for a portion of the construction costs of the housing project and funds to the for profit entity to subsidize the operating costs of units for persons of low income to the extent such contract is designated as a private enterprise agreement by the housing authority; or

1 (D) Any combination of any of the foregoing."

2 **SECTION 2.**

3 Said part is further amended by revising Code Section 8-3-14, relating to consolidated
4 housing authorities for two or more municipalities, as follows:

5 "8-3-14.

6 (a) As used in this Code section, the term 'municipality' means any municipality in ~~the~~ this
7 state.

8 (b) If the governing body of each of two or more municipalities by resolution declares that
9 there is a need for one housing authority for all of such municipalities to exercise in such
10 municipalities the powers and other functions prescribed for a housing authority, a public
11 body corporate and politic to be known as a consolidated housing authority, which may be
12 an existing housing authority designated by the municipalities as the consolidated housing
13 authority or a new housing authority. with such corporate name as it selects, shall
14 thereupon exist for all of such municipalities and exercise its powers and other functions
15 within its area of operation as defined in this article, including the power to undertake
16 projects therein. Upon the creation of a consolidated housing authority, any housing
17 authority created for any of such municipalities, other than an existing housing authority
18 designated as the consolidated housing authority. shall cease to exist except for the purpose
19 of winding up its affairs and executing a deed of its real property to the consolidated
20 housing authority.

21 (c) The creation of a consolidated housing authority and the finding of need therefor shall
22 be subject to the same provisions and limitations as are applicable to the creation of a
23 regional housing authority; and all of the provisions of this article applicable to regional
24 housing authorities and the commissioners thereof shall be applicable to consolidated
25 housing authorities and the commissioners thereof; provided, however, that Code Section
26 8-3-107 shall not be applicable to the consolidation of housing authorities into a designated
27 existing housing authority; and provided, further, that the area of operation of a
28 consolidated housing authority shall include all of the territory within the boundaries of
29 each municipality joining in the creation of such authority together with the territory within
30 ten miles of the boundaries of each such municipality; and provided, further, that for all
31 such purposes, the term 'county' shall be construed as meaning 'municipality,' the term
32 'governing body' in Code Section 8-3-106 shall be construed as meaning 'mayor or other
33 executive head of the municipality,' and the terms 'county housing authority' and 'regional
34 housing authority' shall be construed as meaning 'housing authority of the city' and
35 'consolidated housing authority,' respectively.

(d) The governing body of a municipality for which a housing authority has not been created may adopt the resolution provided for in subsection (b) of this Code section if it first declares that there is a need for a housing authority to function in said municipality, which declaration shall be made in the same manner and subject to the same conditions as the declaration of the governing body of a city required by Code Sections 8-3-4 through 8-3-6 for the purpose of authorizing a housing authority created for a city to transact business and exercise its powers.

(e) Except as otherwise provided in this Code section, a consolidated housing authority and the commissioners thereof shall, within the area of operation of such consolidated housing authority, have the same functions, rights, powers, duties, privileges, immunities, and limitations as those provided for housing authorities created for cities, counties, or groups of counties and the commissioners of such housing authorities, in the same manner as though all the provisions of law applicable to housing authorities created for cities, counties, or groups of counties were applicable to consolidated housing authorities."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.